UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/470,292	12/22/1999	GLENN D. BEGIS	884.171USA1	5981

21186   7590   02/13/2003

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ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
> - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
> - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *01/13/2003* .

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *23-55* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *23-55* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☒ The proposed drawing correction filed on *13 January 2003* is: a)☒ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☐ Other: .

DETAILED ACTION

1. Claims 23-55 have been examined.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 51-52, 54-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claims 51-52, 54-55 recite the limitation "the computer " in lines 1 or 2. There is insufficient antecedent basis for this limitation in the claim. The examiner views "**the computer**" as "**the data processor**" for further examination.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in-
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

6. Claims 23-30, 33-36, 38-44, 47-51, 53-54 are rejected under 35 U.S.C. 102(e) as being
anticipated by Beyda et al, US Patent Number, hereinafter Beyda.

7. Referring to claim 23, Beyda has taught a method for controlling the streaming of voice
data among multiple devices in a local area network, the method comprising:

   a. setting at least a first of the devices to one of plurality of source mode in which

       the first device provides the voice data to one or more others of the device; (Col 2

       lines 55-58, the first terminal is addressed (set to source mode) to transmit data to

       the second terminal.)

   b. setting at least a second of the devices to one of the plurality of sink modes in

       which the second device receives the voice data from the first device; (Col 2 lines

       37-40, 55-58, the first terminal is addressed to transmit data to the second

       terminal, second terminal is inherently set to the sink mode in order to receive the

       transmitting voice data from first terminal.)

   c. establish a connection for the voice data from the first device to the second device

       in accordance with the selected source and sink modes. (Col 2 lines 37-40, 55-58)

8. Referring to claim 24, Beyda has further taught where the source modes are associated
with the devices, and specify both one of the devices as a source to provide the voice and
another of the devices as a sink to receive the voice data. (Col 2 lines 37-44, 55-58, first
terminal transmitting voice data only to the second terminal, and the transmitting device
is in the source mode to transmit and receiving device is in the source mode to receive.)

9. Referring to claim 25, Beyda has further taught where at a least one of the source modes
for the one device specifies multiple others of the devices as sinks to receive the data.

(Col 3 lines 1-3, additional devices could be added to be join the two way conversation

means additional devices could be added to either transmitting the voice data (in source

mode) or receiving the voice data (in sink mode).)

10. Referring to claim 26, Beyda has further taught where at a least one of the source modes

for the one device specifies a further of the devices in addition to the one device as a

source for the voice data. (Col 3 lines 1-3, additional devices could be added to be join

the two way conversation means additional devices could be added to either transmitting

the voice data (in source mode) or receiving the voice data (in sink mode). Therefore, an

extra source device could be added to the communication.)

11. Referring to claim 27, Beyda has further taught where the sink modes are associated with

the devices and specify both one of the devices as a source to provide the voice and

another of the devices as a sink to receive the voice data. (Col 2 lines 37-44, 55-58, first

terminal transmitting voice data only to the second terminal, and the transmitting device

is in the source mode to transmit and receiving device is in the source mode to receive.)

12. Referring to claim 28, Beyda has further taught where at a least one of the sink modes for

the one device specifies multiple others of the devices as sources to provide the voice

data. (Col 3 lines 1-3, additional devices could be added to be join the two way

conversation means additional devices could be added to either transmitting the voice

data (in source mode) or receiving the voice data (in sink mode).)

13. Referring to claim 29, Beyda has further taught where at a least one of the sink modes for

the one device specifies a further of the devices in addition to the one device as a sink for

the voice data. (Col 3 lines 1-3, additional devices could be added to be join the two way

conversation means additional devices could be added to either transmitting the voice

data (in source mode) or receiving the voice data (in sink mode). Therefore, an extra sink

device could be added to the communication.)

14. Referring to claim 30, Beyda has further taught where one of the source modes and a

different one of the sink modes are set for the same one of the devices concurrently. (Col

2 line 55-58, first terminal is transmitting voice data to second terminal, and second

terminal is transmitting voice data to first terminal. Therefore, both first terminal and

second terminal are in both source and sink mode concurrently.)

15. Referring to claims 33-36, claims 33-36 encompass the same scope of the invention as

that of the claims 23-30. Therefore, the claims 33-36 are rejected for the same reason as

the claims 23-30.

16. Referring to claims 38-44, claims 38-44 encompass the same scope of the invention as

that of the claims 23-30. Therefore, the claims 38-44 are rejected for the same reason as

the claims 23-30.

17. Referring to claim 47, Beyda has further taught where the controller is separate from the

devices. (Col 4 lines 14-27, MCU and gatekeeper is viewed as the controller, and is

separated from the devices as seem in figure 1)

18. Referring to claim 48, Beyda has further taught where the controller is distributed amonf

at least some of the devices (Col 3 lines 35-37)

19. Referring to claim 49, Beyda has further taught where the devices in the network include

one or more of a telephone (Figure 2, Col 2 lines 28-30, Col 4 lines17-21), a data

processor (Col 2 lines 29-30, computing device is also known as computer or processor,) a gateway (Figure 3, Col 5 lines 30-33.)

20. Referring to claim 50, Beyda has further taught where one of the source modes for the telephone provides the voice data to the gateway (Col 5 lines 30-33)

21. Referring to claim 51, Beyda has further taught where one of the source modes for the telephone provides the voice data also to the data processor. (Col 2 lines 21-30, terminals could be either telephone or the data processor, and terminals are capable of both transmitting and receiving the voice data, therefore, one of the source mode for the telephone could provide the voice data to the data processor.)

22. Referring to claim 53, Beyda has further taught where one of the source modes for the gateway provides the voice data to the telephone (Col 5 lines 30-33, terminals could be telephone, data processor or gateway, and terminals are capable of both transmitting and receiving the voice data, therefore, one of the source modes for the gateway could provide the voice data to the telephone.)

23. Referring to claim 54, Beyda has further taught where another of the source modes for the gateway provides the voice data also to the data processor. (Col 2 lines 21-30, terminals could be telephone, data processor or gateway, and terminals are capable of both transmitting and receiving the voice data, therefore, one of the source modes for the gateway could provide the voice data to the data processor.)

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

25. Claims 31-32, 37, and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Beyda in views of Klug, US Patent Number 5,799,320, herein after Klug.

26. Referring to Claims 31, 37, and 45. Beyda has taught an invention as described in Claim

23, 33, and 38, which has a plurality of devices and at least one mode for each of the at

least one device to be used in the connection.

Beyda has not taught to include locking the mode of at least one device during the

connection.

Klug has taught a locking mechanism to lock out PC from accessing data when there

is a large number of PC accessing data and caused the system to be slow. (Col 11 lines

10-16)

However, a person with ordinary skill in the art would have realized that when there

are plurality of devices are running at the same time, the system may be slow down as

Klug has taught in Col 11 lines 11-12. Locking a mode would speed up the process of the

particular mode.

Therefore, it would have been obvious for a person with ordinary skill in the art at the

time when the invention was made, to include a locking mechanism to lock the mode of

at least one device during the connection as taught by Klug to prevent slow down of the

system, which caused by large number of devices have access to the file at the same time.

27. Referring to Claims 32, and 46. Beyda has taught an invention as described in Claim 23, 33, and 38, which has a plurality of devices and at least one mode for each of the at least one device to be used in the connection.

Beyda has not taught to use a semaphore to prevent multiple devices from simultaneously changing mode.

Klug has taught the use of a semaphore. (Col 2, line 66)

However, a person with ordinary skill in computer networking art would have realized that, the using of a semaphore to prevent simultaneous change of state during the computer process is well known in the art. Without a semaphore, the mode could be changed any time during the process. System would become chaos and system process would not be functioned well.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to include a semaphore to prevent multiple devices from simultaneously changing modes as taught by Klug to facilitate process of the system.

28. Claims 52 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beyda in views of Lucas et al., US Patent Number 5,528,739 herein after Lucas.

Beyda has taught a invention as described in claims 51 and 53. However, Beyda has not taught where the computer converts the voice data to text.

However, Lucas has taught a computer converts voice data to text. (Col 2, lines 9-12)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teaching of Beyda such that the computer converts the voice data to text.

A person with ordinary skill in the art would have been motivated to make the

modification to Beyda because having voice text converted into text and display on the

screen (Col 2 lines 9-10) would allow deaf users to "see" the speech from the remote

party.

Response to Arguments

29. Applicant's arguments with respect to claims 23-55, have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

30. Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

31. A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than

SIX MONTHS from the mailing date of this final action.

32. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Liang-che Alex Wang whose telephone number is (703)

305-8159. The examiner can normally be reached on Monday thru Friday, 8:30 am to

5:00 pm.

33. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz R Sheikh can be reached on (703) 305-9648. The fax phone numbers

for the organization where this application or proceeding is assigned are (703) 746-7239

for regular communications and (703) 746-7238 for After Final communications.

34. Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-9000.

Liang-che Wang
February 7th, 2003

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
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